

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2022 APR 11 P 12:04

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

DANIEL ARMENDARIZ, #313909,

)

Plaintiff,

)

v.

) CIVIL ACTION NO.:

COMMISSIONER DUNN, et al.,

) 2:19-cv-1046-MHT-CSC

Defendants.

)

)

)

MOTION FOR APPOINTMENT OF COUNSEL

Pursuant to 28 U.S.C. §1915(e) (1) I move for an order appointing counsel to represent me in this case. In support of this motion, I state:

1. I am unable to afford counsel, I have requested leave to proceed in forma pauperis.
2. The issues involved in this case are complex and will require significant research and investigation. I have limited knowledge of the law.

3. A trial in this case will likely involve conflicting testimony, and counsel would better enable me to present evidence and cross examine witnesses.
4. I have alleged that Wexford Health Sources policy collegial review created deliberate indifference to my serious medical need. Depositions are required by employees that were not named in the civil action.
5. Although I'm no longer incarcerated I have no driver's license, no transportation and live at a halfway house.
6. I have made repeated efforts to obtain a lawyer while I was in prison and talked to numerous attorneys that were within walking distance. Their response has been that the cost to litigate the case would be far more than what I Have demanded.
7. I have attached letters that I received from attorneys while I was in prison with this motion.

Respectfully submitted,

04-02-2022

DATED

Daniel Armendariz

DANIEL ARMENDARIZ, pro se
1616 5th Ave. North
Bessemer, AL 35020
Phone: 902-916-8902
Email: Armendarizd755@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 02 day of April, 2022. Caused a true and correct copy of the foregoing to be served upon the defendants by placing the same in the U.S. mail, postage prepaid and addressed as followed:

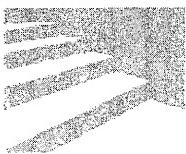
Attorney General
501 Washington Ave.
Montgomery, AL 36130

Webster Henry, P.C.
Two Perimeter Park S.
Suite 445 E.
Birmingham, AL 35243

Herndon Law P.C.
1430 I-85 Parkway, Suite 234
Montgomery, AL 36106

Daniel Armendariz
DANIEL ARMENDARIZ, pro se

SOUTHERN
CENTER FOR
**HUMAN
RIGHTS**



83 Poplar Street NW
Atlanta, GA 30303
Ph: 404.688.1202
F: 404.688.9440

August 13, 2019

Daniel Armendariz (Prison ID #313909 C2-75B)
Elmore Correctional Facility
P.O. Box 8
Elmore, AL 36025

Dear Mr. Armendariz,

We received your letter seeking assistance. I am so sorry to hear of your recent assault. The Southern Center for Human Rights is a non-profit public interest law office. We provide legal representation to people facing the death penalty, challenge patterns of human rights violations in prisons and jails affecting large groups of people, seek through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocate for criminal justice reform in Georgia and Alabama.

We have a small legal staff responding to requests for assistance from people in jail and prison throughout Georgia and Alabama. We receive about 100 requests for assistance per week.

Due to our existing case obligations and the scope and focus of our work, we cannot represent you or provide you with specific legal advice. Please find enclosed some general information that may be helpful. I am also returning the affidavit you provided. I have made a copy for our records. Additionally, I have included an assault report form that you may complete and return to us. This will help us keep track of violence incidents in the prison and may inform future investigations and litigation. We wish you all the best.

Sincerely,

Caitlin Childs
Investigator

Charles Clyde Tatum, Jr. P.C.
ATTORNEYS AT LAW

**CHARLES CLYDE TATUM, JR.
SETH L. DIAMOND**

P. O. Box 349
105 19th Street West
Jasper, Alabama 35502
Ph: (205) 387-0708 · Fax (205) 265-2920

Sent Via US Mail

Daniel Armendariz
AIS # 313909
North AL CBF/CWC J-134A
1401 Highway 20 W.
Decatur, AL 35601

April 23, 2021

**RE: Armendariz v. ADOC et al.
2:19-cv-1046-MHT-CSC**

Dear Daniel:

You recently contacted me and requested that I consider representing you in the above referenced matter. I appreciate the confidence you have expressed in me, and I have taken an opportunity to review the information you provided, as well as the case history, pleadings, motions, exhibits, and orders that have been filed thus far with the US District Court for the Middle District of Alabama.

For various reasons, I have decided that I will be unable to represent you in this matter. In declining to accept your matter, I am not expressing an opinion as to the merits of your case and I strongly recommend that you immediately contact another attorney regarding this matter.

Thank you for contacting us. If you require legal services in the future, I hope you will consider me again.

Sincerely Yours,


Charles C. Tatum, Jr. Esq.



Clinical Programs

August 2, 2021

Daniel Armendariz #313909

North AL CWC
1401 Highway 20 W.
Decatur, AL 35601

Re: *Application for Legal Services*

Dear Mr. Armendariz:

Thank you for contacting the University of Alabama School of Law, Civil Law Clinic. Unfortunately, the Civil Law Clinic does not assist with 1983 cases. However, after reviewing your case file, I suggest you contact U.S. Attorney's Office in Northern District of Alabama. That District Attorney's office is currently conducting an investigation into Alabama Prisons for Men.

The investigation focuses on whether prisoners are adequately protected from physical harm and sexual abuse at the hands of other prisoners; whether prisoners are adequately protected from use of excessive force and staff sexual abuse by correctional officers; and whether the prisons provide sanitary, secure, and safe living conditions. From my brief review of your case, it seems as though the investigation would include the issues you brought up in your complaint.

The District Attorney has offices in Birmingham and Huntsville:

1801 4th Avenue North
Birmingham, AL 35203

and

400 Meridian Street, Suite 304
Huntsville, AL 35801

I understand that this is not the outcome you had hoped for. But I hope the District Attorney's office will be better able to assist you.

Very truly yours,

Civil Law Clinic



November 1, 2021

PERSONAL & CONFIDENTIAL
VIA CERTIFIED MAIL

Daniel Armendariz
AIS# 313909
North AL CWC
1401 Highway 20 W
Decatur, Alabama 35601

Re: Potential Claim

Dear Mr. Armendariz:

I have reviewed the information the correspondence dated Oct. 17, 2021, you provided our office concerning Civil Action No. 2:19-CV-1046-WHA.

The purpose of this letter is to advise you that the law firm of Marsh, Rickard & Bryan, will not be able to assist in this matter. Therefore, **no further action will be taken by our firm.**

You may wish to contact the Alabama State Bar Association 334-269-1515, as they may be able to refer you to an attorney that can assist you.

I have enclosed the postage stamp you were kind enough to provide.

Thank you for contacting our firm.

Yours truly,

A handwritten signature in cursive script, appearing to read "Susan J. Silvernail".

Susan J. Silvernail
Managing Partner

/sf
Enclosure

MARSH|RICKARD|BRYAN, P.C., Attorneys at Law

CERTIFICATE OF SERVICE

I hereby certify that I have this 02 day of
April, 2022. Caused a true and correct copy of the
foregoing to be served upon the defendants by placing the same
in the U.S. mail, postage prepaid and addressed as followed:

Attorney general
501 Washington Ave.
Montgomery, Al 36130

Webster Henry, P.C.
Two Perimiter park S.,
Suite 445 E.
Birmingham, Al 35243

Herndon Law P.C.
1430 I-85 Parkway, Suite 234
Montgomery, Al 36106

Daniel Armendariz
DANIEL ARMENDARIZ, pro se

Daniel Arredondo

Case 2:19-cv-01046-MHT-CSC Document 174 Filed 04/11/22 Page 10 of 10

1616 5th Ave. North
Bessemer, AL 35020



United States District Court
Attn: Debra Hackett
One Church St., Suite B-110
Montgomery, AL 36104